

## **ORDINANCE NO. 2016-02**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE ACQUISITION AND DEDICATION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY AND ESTABLISHING AND PROVIDING FOR THE IMPROVEMENT OF INDUSTRIAL DRIVE.**

WHEREAS, the City of Flagstaff has an interest in planning, developing, and maintaining an adequate infrastructure system, including a surface transportation system to meet the needs of the community; and

WHEREAS, the City Council is generally authorized pursuant to the general powers enumerated in A.R.S. § 9-240 to establish and maintain right-of-way including roads and streets within the City; and

WHEREAS, the City Council is more specifically authorized by the City Charter Article I, Section 3; and Article VIII, Section 10(4) to acquire, establish, dedicate and maintain right of way for roads and streets within the City; and

WHEREAS, the City has identified the real property described in Exhibit "A" as an appropriate component of the City's surface transportation system; and

WHEREAS, the City Council now desires to provide for the acquisition, dedication, establishment and maintenance of the real property described in Exhibit "A" as public right-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The City is hereby authorized to acquire, dedicate, establish and maintain the real property more specifically described in Exhibit "A" as public right-of-way and easements, said right-of-way and easements being more specifically described in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. That the Mayor, City Manager, the City Attorney, the City Clerk, the Finance Director, or other employees or agents as deemed necessary are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 6. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 19 day of January, 2016.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY